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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,783	05/19/2000	Frank Bothe	P/2107-135	1303
2352	7590	08/09/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			WOOD, KIMBERLY T	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/574,783

Applicant(s)

BOTHE, FRANK

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14, 15, 22, 23, 25-29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 14, 15, 22, 25-29, and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3632

This an office action for serial number 09/574,783 in response to Amendment filed on May 16, 2005.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 15, 22, 25-27, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Scofield 1,897,400. Scofield discloses a connecting arrangement comprising a first (1) and second support (6) having fastening webs (top 2 and 7), side webs (bottom 2 and 6 near element 10) that overlap, articulation connection (9), angle adjustment device comprising a turnbuckle having an threaded adjustment sleeve (17; page 1, lines 55ff), fixing device being nuts (18), and threaded bolts (15 and 16), first support element (4), second support element (21, 23, and 26). The first and second supports are of the same design (design by definition is "to have as a purpose" or "a plan or protocol for carrying out or accomplishing something").

Art Unit: 3632

The first and second supports are for the purpose of supporting and connecting one thing to another.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scofield 1,897,400 in view of Ovens (5,154,384). Scofield discloses all of the limitations of the claimed invention except for the lock nuts on each of the bolts. Ovens teaches that it is known to have a turnbuckle (figure 1) having a threaded sleeve (14 and 16, and 12) lock nuts (27 and 25) on each of the bolts (24 and 26). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Scofield to have included the lock nuts to each of the bolts as taught by Ovens for the purpose of facilitating adjustment of the angle of the supports.

**Allowable Subject Matter**

Claim 23 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose wherein each support element for a loudspeaker also is U-shaped, including a bottom web and a top web joined by a joining web, and the bottom and top webs holding the loudspeaker between them, the respective support for the support element being attached at the support element; *each of the support elements including a connection for connecting to the loudspeaker and for enabling rotation of the loudspeaker with respect to the webs of the respective support element around an axis extending through the webs of the support element enabling further adjustment of the orientation of the loudspeakers.*

**Response to Arguments**

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., loud

Art Unit: 3632

speakers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's arguments that Scofield does not disclose first and second supports "structured to couple" to respective loudspeakers this argument is herein traversed. Scofield clearly teaches that the first (1) and second supports (6) are capable of being coupled to respective loudspeakers since the first support (6) having elements (4) defined as bolts (page 1, lines 25ff) which can certainly be used to couple the first support to a loudspeaker of a variety of shapes or including an additional bracket for connection. The second support (6) provides for such attachment or coupling to a loudspeaker using slots (29) which can clearly receive bolts (28) such as disclosed within page 2, lines 4ff) being attached to a loudspeaker or an additional bracket integral with the loudspeaker. The applicant has not positively claimed the structural limitations of the loudspeakers (eg. shape or size) but only goes so far as to functionally claim that the first and second supports are "structured to couple" to respective loudspeakers. The examiner based on the claim language must

Art Unit: 3632

interpret the claim in the "broadest sense" which allows the examiner to interpret Scofield to be capable of coupling to respective loudspeakers using first and second supports as proven by the examiner above by using the bolts (4) and slots (29).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

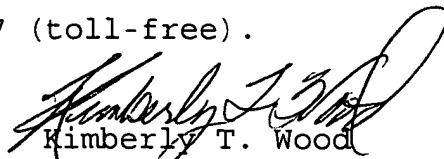
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly

Art Unit: 3632

T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kimberly T. Wood  
Primary Examiner  
Art Unit 3632

August 4, 2005